



23911

PATENT TRADEMARK OFFICE

## REQUEST FOR FILING A PATENT APPLICATION UNDER 37 C.F.R. §1.53(b)

*Handwritten:* 2A MLV

Attorney Docket: 381NT/42535D2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box PATENT APPLICATION  
 Commissioner for Patents  
 Washington, D.C. 20231

June 6, 2001

 JC973 U.S. PTO  
 09/874308


Sir:

This is a request for filing a X divisional application  
 under 37 C.F.R. 1.53(b), of pending prior application:

Serial No. 09/563,454Filed on May 3, 2000Of Takeshi FUJITA, et al.
 Entitled: DNA ANALYZING METHOD AND DEVICE  
THEREFOR
Examiner: F LuGroup: 1655X

1. Accompanying this order is a true copy of the  
 prior application as originally filed.  
 Total pages 1-58 Plus 13 Sheets of Drawings  
 showing Figs. 1-16.

X

2. Accompanying this order is a true copy of the  
 submitted Substitute and a marked up copy of the  
 original specification filed October 9, 1997 in  
 the prior application

3. New Formal drawings are being filed herewith  
 consisting of \_\_\_\_\_ sheet(s), depicting Figures  
 \_\_\_\_\_.

X

4. Declaration and Power of Attorney:

a. \_\_\_\_\_ Newly executed (original or copy)

b. X Copy from prior application
 i. \_\_\_\_\_ Deletion of Inventors - signed statement  
 attached deleting inventor(s) named in the  
 prior application
X

5. Incorporation by Reference:

The entire disclosure of the prior application,  
 from which a copy of the oath or declaration is  
 supplied under Box 3b, is considered as being

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 1051 U.S. PTO

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part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

- X 6. Cancel original claims 1-46.
7. Small entity status:
- a.        A small entity statement is enclosed
- b.        A statement of small entity status (copy attached) was filed on                      in the prior application and status as a small entity is still proper and desired.
- c.        Is no longer claimed
- X 8. The filing fee is calculated below:

CLAIMS AS FILED, INCLUDING ANY CLAIMS  
CANCELLED OR ADDED BY PRELIMINARY AMENDMENT

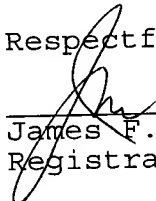
Basic Fee		\$355		\$710
Total Claims <u>10</u>	- 20 = <u>0</u>	x 9 = \$	<u>      </u>	18 = \$ <u>0</u>
Ind. Claims <u>2</u>	- 3 = <u>0</u>	x 40 = \$	<u>      </u>	80 = \$ <u>0</u>
<u>      </u> Multiple Dependent Claims		+ 135 = \$	<u>      </u>	270 = \$ <u>      </u>
	Total	\$	<u>      </u>	\$710.00

9. Please charge my Deposit Account No. 05-1323 (Docket #                     ) in the amount of \$       .
- X 10. A check in the amount of \$710.00 to cover the filing fee is enclosed.
- X 11. The Commissioner is authorized to charge any fee which may be required under 37 CFR 1.16 or 37 CFR 1.17 or credit any overpayment to Deposit Account No. 05-1323 (Docket #381AS/42535D2).
- X 12. Amend the specification by ~~inserting before the first line the sentence:~~ --This application is a Division of application Serial No. 09/563,454, filed May 3, 2000, which was a Divisional of application serial No. 08/552,496 now issued as U.S. Patent No 6106777.-- Now abandoned.
- X 13. Priority of Appln. No(s). 6-274735, filed in Japan on November 9, 1994, is hereby claimed under 35 U.S.C. 119.

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- X 14. A certified copy of each said priority document was filed in application Serial No. 08/552,496 on November 9, 1995.
- X 15. The prior application is assigned of record to Hitachi, Ltd.
- X 16. The power of attorney in the prior application is to:  
James F. McKeown, Reg. No. 25,406; Charles E. Wands, Reg. No. 25,649; Donald D. Evenson, Reg. No. 26,160; Gary R. Edwards, Reg. No. 31,824; John A. Hankins, Reg. No. 32,029;
- X a. The power appears in the original application papers in the prior application.
- \_\_\_\_\_ b. Since the power does not appear in the original application papers, a copy of the power in the prior application is enclosed.
- \_\_\_\_\_ c. Attached is a duplicate of a Supplemental Declaration which was filed in the prior application to overcome informalities.
- X d. Address all future correspondence to:  
CROWELL & MORING, L.L.P.  
P.O. Box 14300  
Washington, DC 20044-4300
- X 17. Forms PTO-892 and PTO-1449 listing prior art made of record in the prior application are attached. A copy of each of the listed references should be available in the prior application file.
- X 18. A Preliminary Amendment is being filed herewith.
- X 19. Return Receipt Postcard.
- X 20. Other: A copy of The Preliminary Amendment filed in the Parent case.

Respectfully submitted,

  
James F. McKeown  
Registration No. 25,406

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1200 G Street, N.W., Suite 700  
Washington, D.C. 20005  
Tel: (202) 628-8800  
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JFM:cdh

PATENT APPLICATION SERIAL NO. \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

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